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Received: 6/12/2013				Received By: emueller				
Wante	d: A	As time permits  Joel Kleefisch (608) 266-8551			Same as LRB:			
For:	J				By/Representing:	Ashlee Moore		
May Contact:					Drafter:	emueller		
Subject: Local Gov't - zoning					Addl. Drafters:			
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As time permits		Same as LRB:						
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		Drafter:	emueller					
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<END>

#### Mueller, Eric

From:

Gallagher, Michael

Sent:

Tuesday, June 11, 2013 1:08 PM Shovers, Marc; Mueller, Eric

To: Subject:

FW: Draft Legislation

Marc and Eric: Is this yours? If so, could you contact Ashlee to let her know you are covering it? Thanks.

Mike

From: Moore, Ashlee

Sent: Tuesday, June 11, 2013 12:59 PM

**To:** Gallagher, Michael **Subject:** Draft Legislation

Hey mike

Representative Kleefisch would like to draft a bill that addresses the problem outlined below. I think you are the one to go to for this since you are listed under Housing. I was wondering if you could draft legislation as indicated before---let me know if you have any questions 266-8552

Thanks!

Ashlee Moore Research Assistant Representative Joel Kleefisch 38<sup>th</sup> Assembly District

**From:** Ross Kinzler [mailto:ross@housingalliance.us]

Sent: Tuesday, April 02, 2013 9:57 AM

To: Moore, Ashlee

Cc: Joe Dentice Jr PHC CLM CHC (identiceir@att.net)

**Subject:** non-conforming uses

Ashlee,

Joe Dentice is a member of my board and one of Joel's constituents. He has discussed the following with Joel and he agreed to support our request. Can you send this off to drafting?

Here is the problem in Town of Bradford v. Merriam, the Appeal Court ruled in a licensed mobile/manufactured home park if homes are replaced with homes that are 50% higher in value doing so wipes out the legal non-conforming status of a park. Our proposed fix is as follows:

Amend Section 62.23(7) to add:

"Nonconforming uses, manufactured home communities. Notwithstanding 62.23(7) the continued lawful use of a manufactured home community licensed under s.101.935 stats existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance. Replacement of homes, infrastructure repairs or alterations may be made during its life. If the

nonconforming use of the licensed community is discontinued for a period of 12 months, any future use of the premises shall conform to the ordinance."

On Ky

Ross Kinzler Executive Director Wisconsin Housing Alliance

608.255.3131 voice 608.255.5595 fax



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#### State of Misconsin 2013 - 2014 LEGISLATURE



RMR

#### PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(128/13)

AN ACT ...; relating to: nonconforming uses and manufactured home communities.

#### Analysis by the Legislative Reference Bureau

Under current law, cities, villages, certain towns (municipalities), and counties are authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for various purposes.

Also under current law, a zoning ordinance enacted by a municipality or county generally may not prohibit the continued lawful use of any building, premises, structure, or fixture for which the building, premises, structure, or fixture is used when the ordinance takes effect. In cities, villages, towns exercising village powers, and counties, the alteration or repair of, in excess of 50 percent of the assessed value, any existing building, premises, structure, or fixture to carry on any prohibited use within the district may be prohibited. Generally, if a nonconforming use of a building, premises, structure, or fixture is discontinued for 12 months, any future use of the building, premises, structure, or fixture must conform to the municipality's or county's zoning ordinance.

Under this bill, in cities, villages, and towns exercising village powers, a licensed manufactured home community that is a legal nonconforming use continues

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to be a legal nonconforming use notwithstanding any replacement of homes or infrastructure repairs or alterations to infrastructure within the community.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 62.23 (7) (ham) of the statutes is created to read:

62.23 (7) (ham) Manufactured home communities. Notwithstanding par. (h), a manufactured home community licensed under s. 101.935 that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

- 1. Replacement of homes.
- 2. Infrastructure repairs.
- 3. Alteration to infrastructure.

(END)



# State of Misconsin 2013 - 2014 LEGISLATURE

TODAY



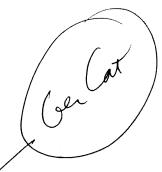
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# PRELIMINARY DRAFT NOT READY FOR INTRODUCTION

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uses and manufactured home communities.

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  - 2. Infrastructure repairs.
- 3. Alteration to infrastructure.

9 (END)

#### Parisi, Lori

From:

Moore, Ashlee

Sent:

Friday, July 26, 2013 1:12 PM

To:

LRB.Legal

Subject:

Draft Review: LRB -2523/1 Topic: Nonconforming uses and manufactured home

communities

Please Jacket LRB -2523/1 for the ASSEMBLY.